

REMARKS

Claims 1-7 are pending in this application. By this Amendment, claims 1, 2 and 3 are amended. No new matter is added. Reconsideration of the application is respectfully requested.

I. Claim Objections

The Office Action objects to claims 1-7 because of informalities. Specifically, the Office Action asserts that the number and interrelation of short arms are inconsistent. Claims 1-3 are amended for the purpose of clarification regarding the number and interrelation of short arms. Further, the claims are amended to better conform to U.S. practice. Only features recited in the original claims are now claimed. Thus, the claims are not narrowed by such amendments. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

II. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-3 and 6-7 under 35 U.S.C. §102(b) over U.S. Patent No. 887,994 to Bartram. Applicant respectfully traverses the rejection.

Bartram does not disclose a measuring instrument including "drivers for independently moving the first short arm and the second short arm in the axial direction of the first short arm," as recited in independent claim 1.

The Office Action asserts that Bartram discloses a measuring instrument including an arm provided with a detector 14 and a plurality of short arms 7, 8, 9, a support 3 for supporting the arm, and drivers 11-13 for independently moving the short arms 7-9. See Fig. 1. Notwithstanding these assertions, Bartram does not teach or suggest drivers for independently moving the short arms, as set forth in claim 1.

Bartram discloses a measuring device including a plurality of collars 7, 8, 9 provided on a hollow standard 3. See Figs. 1 and 2. The collar 7 includes a horizontal measuring bar

14 that is adjusted to measure a height of a person. See page 1, lines 105-107. The collars 7, 8, 9 are operatively connected via lazy tongs 10. See Fig. 1. When a ring 13 connected to a chain 12 is pulled, the lazy tongs 10 and the springs 11 are operatively connected to the collars 7, 8, 9 to slide the collars 7, 8, 9 along the hollow standard 3 to increase or decrease distances between the collars 7, 8, 9. See page 1, line 86 - page 2, line 11. As a result, a height of the horizontal measuring bar 14 may be adjusted to measure a height of a person. Therefore, the springs 11 work in conjunction with the lazy tongs 10, the chain 12 and the ring 13 to adjust the height of the horizontal measuring bar 14. See col. 2, lines 11-14. Bartram does not teach or suggest that the lazy tongs 10, the springs 11, the chain 12 and/or the ring 13 independently move the collars 7, 8, 9.

For at least these reasons, Bartram does not teach or suggest the measuring instrument of claim 1. Therefore, claim 1 is patentable over Bartram. Claims 2-7 depend from claim 1, and thus are also patentable over Bartram for at least the reasons set forth above, as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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